
By: **Delegates McClenahan, Weir, and Wood and the Anne Arundel County
Delegation**

Introduced and read first time: January 15, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2001

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Abandoned Vessels - ~~Removal of Vessel~~ Period of**
3 **Abandonment**

4 FOR the purpose of ~~authorizing the owner or operator of certain marinas, docks, or~~
5 ~~boatyards to remove a vessel from the premises under certain conditions;~~
6 ~~prohibiting an owner or operator of certain marinas, docks, or boatyards from~~
7 ~~moving the vessel to certain locations; requiring a person that moves a vessel to~~
8 ~~notify and provide certain information to the vessel owner or vessel owner's~~
9 ~~agent; providing certain penalties for a person who violates provisions of this~~
10 ~~Act; authorizing certain landowners to acquire title to a vessel apparently~~
11 ~~abandoned on certain property of the landowner if the vessel has been~~
12 ~~abandoned for a certain time authorizing certain landowners to acquire title to~~
13 certain abandoned vessels on certain property of the landowner under certain
14 circumstances; altering the definition of abandoned vessel; and generally
15 relating to ~~the removal of~~ abandoned vessels.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 8-721, ~~8-721.1~~, and 8-722
19 Annotated Code of Maryland
20 (2000 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Natural Resources

2 8-721.

3 (a) In this section, "abandoned vessel" means any vessel that:

4 (1) Is left illegally or has remained without permission for more than 30
5 days on public property, including public marinas, docks, or boatyards;6 (2) HAS REMAINED AT THE FOLLOWING LOCATIONS FOR MORE THAN 90
7 DAYS WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE
8 PROPERTY:9 (I) A PRIVATE MARINA OR PROPERTY OPERATED BY A PRIVATE
10 MARINA;11 (II) A PRIVATE BOATYARD OR PROPERTY OPERATED BY A PRIVATE
12 BOATYARD;13 (III) A PRIVATE DOCK; OR14 (IV) AT OR NEAR WATERS' EDGE ON PRIVATE PROPERTY;15 ~~(2)~~ (3) Has remained on private property, ~~including private marinas,~~
16 ~~docks, or boatyards,~~ OTHER THAN THE PRIVATE PROPERTY DESCRIBED IN ITEM (2) OF
17 THIS SUBSECTION for more than ~~{180} 90~~ days without the consent of the owner or
18 person in control of the property; or19 ~~(3)~~ (4) Has been found adrift or unattended in or upon the waters of
20 the State, and is found in a condition of disrepair as to constitute a hazard or
21 obstruction to the use of the waters of the State or presents a potential health or
22 environmental hazard.23 (b) The Department may seize, remove, and take into custody any abandoned
24 vessel. For this purpose, the Department may use its own personnel, equipment, and
25 facilities or use other persons, equipment, and facilities for removing, preserving, or
26 storing abandoned vessels. The Department may not be held liable for any damage to
27 an abandoned vessel which may occur during removal, storage, or custody of the
28 vessel.29 (c) (1) NO LATER THAN 15 DAYS BEFORE AN ABANDONED VESSEL IS SEIZED,
30 REMOVED, OR TAKEN INTO CUSTODY UNDER SUBSECTION (B) OF THIS SECTION, THE
31 DEPARTMENT SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT
32 REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE TO
33 THE LAST KNOWN REGISTERED OWNER OF THE VESSEL, AS SHOWN ON THE
34 RECORDS OF THE DEPARTMENT.35 (2) As soon as reasonably possible but not later than 15 days after the
36 Department takes an abandoned vessel into custody, the Department shall send a
37 notice, by certified mail, return receipt requested, bearing a postmark from the

1 United States Postal Service to the last known registered owner of the vessel and to
2 each secured party, as shown on the records of the Department.

3 (d) The ~~notice~~ NOTICES REQUIRED BY SUBSECTION (C) OF THIS SECTION
4 shall:

5 (1) Describe the vessel;

6 (2) Give the location where the vessel is being held;

7 (3) Inform the owner and secured party of a right to reclaim the vessel
8 within 3 weeks OF RECEIPT OF THE NOTICE REQUIRED IN SUBSECTION (C)(2) OF THIS
9 SECTION upon payment to the Department of any expenses incurred during removal
10 and custody of the vessel; and

11 (4) State that failure to claim the vessel will constitute:

12 (i) A waiver of all right, title, and interest in the vessel; and

13 (ii) A consent to the Department's disposition of the vessel.

14 (e) If the Department is unable to determine the last registered owner or the
15 identity of any secured party of the abandoned vessel, or if the certified mail notice
16 required under subsection (c) of this section is returned as undeliverable, the
17 Department shall give the required notice by publication in at least 1 newspaper of
18 general circulation in the area where the abandoned vessel was found. The notice by
19 publication shall contain the information required under subsection (d) of this section
20 and shall be published within 30 days of the seizure of the abandoned vessel, or
21 within 15 days of the return of the certified mail notice as undeliverable.

22 (f) If the owner or secured party fails to claim the abandoned vessel within 3
23 weeks after the certified mail notice or after the notice by publication is given, the
24 Department may sell the vessel at public auction, proceed to receive title to the vessel
25 pursuant to § 8-722 of this subtitle, or otherwise dispose of the vessel.

26 (g) If the abandoned vessel is in such a condition of disrepair that the
27 Department cannot remove the vessel intact, the Department may dispose of the
28 vessel in whatever manner is reasonable without providing the notice required under
29 subsections (c) through (e) of this section.

30 (h) The Department may delegate the Department's authority to remove and
31 dispose of abandoned vessels under this section to any local jurisdiction that consents
32 to the delegation.

33 ~~§ 721.1.~~

34 (a) ~~The owner or operator of a PUBLIC OR PRIVATE marina, DOCK, OR~~
35 ~~BOATYARD or the owner's or operator's agent may have a vessel removed from the~~
36 ~~PUBLIC OR PRIVATE marina, DOCK, OR BOATYARD by a private person if the vessel~~

1 has remained on the [marina] premises without permission for more than 48 hours
2 and the owner, operator, or agent has placed in conspicuous locations signs that:

3 (1) State that vessels left at the PUBLIC OR PRIVATE marina, DOCK, OR
4 BOATYARD without permission for more than 48 hours are subject to removal at the
5 vessel owner's expense;

6 (2) State the location to which the vessel will be removed;

7 (3) State that the vessel owner will be responsible for all costs associated
8 with the removal and storage of the vessel; and

9 (4) Provide the telephone number of a person who can be contacted to
10 arrange for the reclaiming of the vessel by its owner or the owner's agent.

11 (b) A vessel may not be removed from a PUBLIC OR PRIVATE marina, DOCK, OR
12 BOATYARD to a location that is more than 30 miles from the marina.

13 (c) The owner or operator of a PUBLIC OR PRIVATE marina, DOCK, OR
14 BOATYARD, or the agent of the owner or operator, on finding a vessel left at the
15 PUBLIC OR PRIVATE marina, DOCK, OR BOATYARD without permission, shall make a
16 reasonable attempt to notify the vessel owner or the vessel owner's agent of the
17 intended removal of the vessel before the vessel may be removed under this section.

18 (d) A person who removes the vessel from a [marina] PUBLIC OR PRIVATE
19 MARINA, DOCK, OR BOATYARD:

20 (1) Shall notify the vessel owner or the vessel owner's agent at the
21 earliest possible time after removing the vessel from the PUBLIC OR PRIVATE marina,
22 DOCK, OR BOATYARD and shall provide the following information:

23 (i) A description of the vessel including the vessel's certificate of
24 boat number;

25 (ii) The date and time the vessel was removed;

26 (iii) The reason the vessel was removed; and

27 (iv) The locations from which and to which the vessel was moved;

28 (2) Before removing the vessel, shall have authorization of the marina
29 owner; and

30 (3) May not pay any remuneration to the owner of the [marina] PUBLIC
31 OR PRIVATE MARINA, DOCK, OR BOATYARD.

32 (e) (1) The person who removes a vessel from a PUBLIC OR PRIVATE marina,
33 DOCK, OR BOATYARD shall immediately deliver the vessel directly to a location
34 customarily used by the person.

1 (2) ~~The person who exercises control over the vessel at the location to~~
 2 ~~which the vessel is delivered after removal from a PUBLIC OR PRIVATE marina, DOCK,~~
 3 ~~OR BOATYARD shall provide the vessel owner or the vessel owner's agent immediate~~
 4 ~~and continuous opportunity to retake possession of the vessel.~~

5 (f) ~~Any person who removes a vessel from a PUBLIC OR PRIVATE marina,~~
 6 ~~DOCK, OR BOATYARD in violation of any provision of this section:~~

7 (1) ~~Shall be liable for actual damages sustained by the vessel owner or~~
 8 ~~the vessel owner's agent as a result of the violation; and~~

9 (2) ~~Shall be liable to the vessel owner or the vessel owner's agent for up~~
 10 ~~to triple the amount paid by the owner or the owner's agent to retake possession of~~
 11 ~~the vessel, as the court may determine.~~

12 8-722.

13 (a) This section applies only to ~~vessels apparently abandoned for over [6] 3~~
 14 ~~months~~ ABANDONED VESSELS AS DEFINED IN § 8-721 OF THIS SUBTITLE.

15 (b) Subject to the provisions of this section, a landowner, a landowner's lessee,
 16 or a landowner's agent may acquire title to any ~~vessel apparently abandoned~~
 17 ABANDONED VESSEL on the landowner's land or the water immediately adjacent to
 18 the landowner's land. Acquisition of title divests any other person of any interest in
 19 the vessel.

20 (c) (1) If a vessel has a boat number or other means of identifying the
 21 vessel's owner, the person desiring to acquire title, if possible, shall secure the owner's
 22 last known address, and the lienholder, if any, appearing on the Department's records.
 23 The person shall notify this owner and the lienholder by registered letter to the last
 24 known address that, if ownership is not claimed and the vessel removed within 30
 25 days, the person will apply for title to the vessel in the person's name. If any vessel's
 26 owner or lienholder cannot be identified or address ascertained from the
 27 Department's records, it is not necessary to send the letter.

28 (2) The person desiring to acquire title also shall place a notice in a
 29 newspaper of general circulation published in the county where the vessel is located,
 30 describing the vessel, the vessel's location, and any identifying number. The person
 31 shall state in the notice that, if the vessel is not claimed and removed within 30 days
 32 after the publication date of the paper, the person will apply for title to the vessel in
 33 the person's name.

34 (3) At the end of the 30-day period the person shall apply to the
 35 Department for title to the vessel in the person's name on forms the Department
 36 approves accompanied by the following affidavits:

37 (i) A statement that the vessel ~~apparently has been abandoned for~~
 38 ~~at least [6] 3 months~~ IS AN ABANDONED VESSEL AS DEFINED IN § 8-721 OF THIS
 39 SUBTITLE;

1 (ii) Proof the registered letter was mailed at least 30 days before
2 application or a detailed explanation of the unsuccessful steps taken to identify the
3 owner or lienholder and secure the owner's or lienholder's address; and

4 (iii) Proof a notice was printed in a newspaper as required in
5 paragraph (2) of this subsection.

6 (4) Upon receipt of the material required in paragraph (3) of this
7 subsection and payment of any fees and taxes due, the Department shall issue title to
8 the vessel to the applicant.

9 (5) The applicant shall bear any cost incurred in receiving title to a
10 vessel under this section.

11 (6) After receiving title, if the applicant destroys or otherwise disposes of
12 the vessel, the applicant shall report this information to the Department within 15
13 days giving every detail.

14 (7) The Department may receive title to any ~~vessel apparently~~
15 abandoned VESSEL on the waters of the State or on any land owned by the State or
16 any political subdivisions by proceeding in the same manner a property owner does as
17 set forth in this section.

18 (d) A person may not obtain or attempt to obtain title to a vessel under the
19 provisions of this section through any fraudulent means.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2001.